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# Charles Babbage and the Anglo-American Copyright Dispute

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In June 1995 I visited the magnificent Huntingdon Museum and Library in Pasadena, California. While checking one of the card indexes I came across an entry for Charles Babbage, listing him as one of the authors of an 1837 petition to the U.S. Senate. This turned out to be a large folded parchment, much of which was taken up by a list of names, and a set of 51 signatures, either on the manuscript itself, or (as with the case of Charles Babbage) cut out from, presumably, a letter and pasted to the manuscript. The main text on the manuscript started:

“Address of certain Authors of Great Britain to the Senate of the United States in Congress assembled.

Respectfully showing:

That authors of Great Britain have long been exposed to injury in their reputation and property from the want of a law by which the exclusive right to their respective writings may be secured to them in the United States of America;

That, for want of such a law, deep and extensive injuries have of late been afflicted on their reputation and property, and on the interests of literature and science, which ought to constitute a bond of union and friendship between the United States and Great Britain; ...”

I was not aware that Charles Babbage had ever been involved in any such protest - later checking confirmed that there was no mention of it in either Babbage’s own autobiographical work “Passages From the Life of a Philosopher” [Babbage 1864], or in the standard Babbage biography [Hyman 1982]. However, a little research led me to a book [Barnes 1974] in which this petition is described, and to belatedly realizing that

the issue of copyright had for much of the last century been a significant bone of contention between Britain and the U.S.A. Quoting from the Preface to the book:

“In 1838 Parliament passed legislation enabling Great Britain to become a party to international copyright agreement, and in the following decades a number of such treaties were signed with European states. However, Americans were suspicious about international copyright and feared that it meant exploitation and domination of their book trade. As a young nation the United States wanted the freedom to borrow literature as well as technology from any quarter of the globe, and it was not until 1891 that Congress finally recognized America’s literary independence by authorizing reciprocal copyright agreements with foreign powers.”

Barnes gives a full account of the circumstances surrounding the preparation and submission of the petition, though does not list the signatories. Apparently the petition received much publicity at the time, and was reprinted in full, complete with list of signatories, in England in the Metropolitan Magazine [Anon 1837], as well as in official congressional records [U.S. Senate 1837]. It was, I gather, the subject of a number of contemporary American newspaper articles. For example, [Anon 1837] quotes the New York Daily Express as saying:

“This Memorial is probably one of the most valuable collections of English autographs in this country. It is on parchment, and contains the signatures of almost all of the distinguished literary men [sic] in Great Britain.”

To my untutored eye, comparatively few of the names of the signatories are familiar. Those that are include Benjamin D’Israeli, Peter Marc Roget, Thomas Carlyle, and Robert Southey. There are also various other individuals whose names are known to me mainly from my having read of their association with Charles Babbage, such as Charles Lyell, Mary Somerville, Harriet Martineau, and Lucien Bonaparte.

Various versions of the petition were printed and circulated, and the exact list of signatories varies slightly. (Charles Dickens is recorded as having stated that he signed the petition, but no copy has been found bearing his signature.) The two published versions referenced above vary very slightly - the version in the congressional records is almost identical to the Huntingdon Library’s manuscript, which is resumably the original - the provenance of this manuscript is not now known.

According to [Barnes 1974] the petition was presented to the Senate by Senator Henry Clay of Kentucky on 2 February 1837 and by a Representative from New York State, Churchill Cambreleng, to the House on 13 February. A Select Committee was set up soon afterwards by the Senate to consider the issue, and recommended that copyright legislation be adopted. Senator Clay presented a Bill to this effect, but nothing came

of it - as indicated earlier, the dispute was to drag on for more than fifty more years!

A full listing of the signatories, or indeed of the 600-word text of the petition, leave alone a detailed account of the long-lasting Anglo-American copyright dispute, would be inappropriate for this journal - interested readers can pursue the matter further via the references listed below. However, it is a matter of some amusement to me that over a century and a half after the person who is sometimes described as the godfather of the computer was in dispute with the U.S. Government over copyright issues, the U.S. Government finds itself on the opposite side of similar disputes with various other nations - though these nations could hardly be described as young, except perhaps in relation to computer technology.

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